

**\*E-FILED: 10/3/2007\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C04-04086 HRL

Plaintiff,

Consolidated With: C04-04768 HRL  
C05-01242 HRL  
C05-01833 HRL  
C06-04695 HRL

v.

SAN JOSE STATE UNIVERSITY,

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION TO COMPEL**

Defendant.

**[Docket No. 271]**

On August 17, 2007, plaintiff filed a document entitled "Motion to Compel re: Rambling." In it, he apparently seeks an order compelling certain individuals to respond to what apparently were intended to be requests for admission pursuant to Fed. R. Civ. P. 36 – albeit he refers to the requests as "interrogatories." He also requests an order directing Maria Rivera to sign defendant's responses as an "answering party" and verify defendant's interrogatory answers under oath pursuant to Fed. R. Civ. P. 33.

With respect to plaintiff's requests for admission, he appears to seek admissions as to whether members of an interview committee made certain statements about his communication skills. Plaintiff prefaced his requests with a long preamble. Defendant responded to plaintiff's preamble as an "Unnumbered Interrogatory," objected to it as unintelligible, and stated that it

1 would make the referenced individuals available for deposition if plaintiff wished. It then  
2 responded to plaintiff's numbered requests by referring to its answer to the "Unnumbered  
3 Interrogatory." Plaintiff now seeks to compel answers to the numbered requests – *i.e.*, request  
4 numbers 1.0, 1.1, 2.0, 2.1, 3.0 and 3.1.

5       Insofar as plaintiff seeks testimony from various non-party individuals through his  
6 requests for admission, his motion is denied. However, plaintiff's motion will be granted as  
7 follows: The court construes plaintiff's numbered requests as requests for admission and  
8 defendant shall respond them as such. Defendant's responses shall be served on plaintiff **no**  
9 **later than October 12, 2007.**

10       As for plaintiff's request concerning Maria Rivera's verification, this court has already  
11 ruled on the propriety of Rivera's verification made on defendant's behalf. (*See* Docket #260  
12 (August 9, 2007 Order Denying Plaintiff's Motion to Compel); *see also* Docket #283  
13 (September 6, 2007 Order Denying Plaintiff's Motion to Compel re Interrogatories")). The  
14 instant motion merely repeats the same request for relief and provides no basis for this court to  
15 depart from its prior rulings. Accordingly, plaintiff's motion as to Maria Rivera is DENIED.

16       IT IS SO ORDERED.

17  
18 Dated: October 3, 2007

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

**A copy of this document will be mailed to:**

Piotr J. Gardias  
72 Floyd Street  
San Jose, CA 95110

Plaintiff (Pro Se)

**Notice has been electronically mailed to:**

Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, David.Moss@doj.ca.gov

Fiel D. Tigno fiel.tigno@doj.ca.gov